THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.11126 of 2001

Date 12-7-2007

Between:
Akkipalli Satyanarayana

.....

PETITIONER.
AND

The Divisional Commercial Manager and others.

.....RESPONDENTS

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION NO.11126 of 2001

ORDER: (per Smt. T. Meena Kumari,J)

The petitioner filed the present writ petition seeking a Writ of Mandamus to declare the order dated 19.3.2001 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad in O.A. No. 367 of 2001, as arbitrary and illegal and to set aside the same. He also sought for a consequential direction to the respondents to supply the documents mentioned in the application filed by the petitioner.

The brief facts of the case are that the petitioner was working as Travelling Ticket Examiner in Vijayawada Division of S.C. Railway. While so, he was served with a charge memo alleging that he charged extra fare to a passenger. Thereafter, an enquiry officer was appointed to conduct enquiry into the matter. However, when the petitioner was not supplied with the relevant documents, he made a representation to the department. When no action was taken by the respondents on the said representation, the petitioner filed O.A. No. 1745 of 1999 before the Tribunal and the said O.A. was disposed of by the Tribunal directing the respondents to consider and dispose of the representation. Pursuant to the same, the respondents having considered the representation of the petitioner, rejected the same. Assailing the same, petitioner filed O.A. No. 367 of 2001 before the Tribunal. The Tribunal, by the order impugned in this O.A. dismissed the same. Hence, the petitioner filed the present writ petition.

Sri M.V.K.Moorthy, learned counsel for the petitioner would contend

that since the respondents did not supply the documents requested by him, the petitioner is not in a position to defend his case in the enquiry. He further submitted that if the documents are not supplied to the petitioner, he will be deprived of a reasonable opportunity to defend his case. In support of this contention, he relied upon the judgment of the Supreme Court in State of Gujarat v. Ramesh Chandra Mashruwala & Others([1]). He, therefore, prayed that the impugned order of the Tribunal be set aside and the writ petition be allowed.

On the other hand, learned Standing Counsel for the respondents submitted that except one document, namely, D.T.C. (Register of sale of ticket No. 62741 on 10.1.1996), all other documents required by the petitioner are not relevant for the purpose of enquiry. He further submitted that the disciplinary authority clearly mentioned the reason for the departmental check in the statement of imputations of mis-conduct. Further the enquiry is being held to investigate the factual position and the petitioner filed the present writ petition with a view to stall the enquiry proceedings unreasonably. He, therefore, prayed that the order impugned in this writ petition needs no interference at the hands of this Court and the same be dismissed.

Taking into consideration the facts and circumstances of the case, we dispose of this writ petition with a direction to the respondents to supply one document, i.e., D.T.C. (Register of Sale of ticket No. 62741 on 10.1.1996), which was agreed to be supplied by them and to notify to the petitioner the reasons for non-supply of the other documents which were sought by him. The respondents are further directed to complete the enquiry initiated against the petitioner as expeditiously as possible, preferably, within a period of six months from the date of receipt of a copy of the order. It is needless to mention that the petitioner would cooperate with the Department in conducting the enquiry.

The writ petition is accordingly disposed of. No costs.

T. MEENA KUMARI,J

DATE: 12th July, 2007

G. CHANDRAIAH,J

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[1] AIR 1977 SC 1619